

495
1679
L.D. 16

A N
ABSTRACT

OF ALL THE
PENAL-LAWS

Now in Force against

JESUITES,
PRIESTS

A N D

Popish Recufants.

Collected for the ease of Justices of the Peace, and others who
are obliged to put the Laws in Execution.

L O N D O N,

Printed for John Starkey at the Mitre in Fleet-Street,
MDC LXXIX.

179
14
11. 21

A N

ABSTRACT

OF ALL THE

PENAL LAWS

Now in Force

IN THE

PRISONS

AND

Popish Recusants

Collected from the Acts of Parliament, and others who
are entitled to the same

L O N D O N

Printed for John Smith at the Sign in Fleet Street
MDCCLXXIX

**An Abstract of all the Statute
Laws made against all Jesuits,
Seminary Priests, and Popish
Recusants.**

BY the Statute of 1 E¹². cap. 1. No
Foreign Potentate, or other Person
shall exercise any Ecclesiastical pow
er in the Queens Dominions; but
She and her Successors may by Let
ters Patents Authorize any Subject
born to Exercise the same.

2. For the better observance of this Act, Every
Ecclesiastical and Temporal OFFICER, and such as
take Degree in the University, and all the Queens Ser
vants are enjoyned to take the Oath of Supremacy, reci
ted, *in hac Verba*, in this Statute, to which because
it is long, you are referred.

3. He that refuseth this Oath, if he be in any Of
fice, shall Forfeit such Spiritual or Temporal Office
or Promotion during his life; or if he be to be admit
ted to any such Office, he shall take the aforesaid
Oath before he be admitted, and if he refuse it, he
shall be adjudged incapable of it.

4. If any have a Temporal Office of Inheritance, and
at first refuse this Oath, but afterwards shall take
it, he shall be restored.

5. None shall maintain the Jurisdiction of any
Foreign Prelate or Potentate in the Queens Domini
ons,

Barnard Apr. 15, 1719 3/2

Premunire is to be put out of the Kings protection, and to forfeit all his Goods & Chattels, and all Lands in Fee, Co. 1. Instit. f. 219. h. 130. a. Consideration.

ons, upon pain of Forfeiting all his Goods and Chattels, and if he be not worth twenty pounds at the time of his Conviction, he shall Forfeit all he hath, and suffer a years Imprisonment without Bayl; and for the second Offence, incur a *Premunire*; and for the third Offence be guilty of High Treason, which Offence must be prosecuted within one year after it is committed; but if the Offence be by Preaching, Teaching, or Words only, prosecution by Indictment must be within six moneths, else the Offender to be set at liberty.

6. A Clergy-man Beneficed, upon the first Conviction for such Offence, shall loose his Spiritual Promotion.

7. A Peer of the Realm guilty of such Offence, is to be tryed by his Peers.

8. No persons to be Indicted or Arraigned for the aforesaid Offences, but by two or more sufficient Witnesses produced *Viva voce*; and none shall be questioned for Relieving, Aiding, or Comforting any such Offender as is before mentioned, unless it be proved by two Witnesses at least, that at the time of such Relief, Aid, &c. he had notice of the Offence committed.

5 Eliz. cap. 15

1. By this Statute of 5 Eliz. None shall maintain the Jurisdiction of the Bishop or See of Rome, within any of the Queens Dominions; upon pain that they and their Accessaries shall incur a *Premunire*.

2. Justices of Assize, Justices of the Peace in Sessions, or any two of them (whereof one of the *Quorum*) have power to hear and determine this Offence, and to certifie the presentments into the Kings Bench, within a time limited in the Statute on pain of 100 L. and Justices of Assize have power as well upon such Certificate, as also before themselves to hear and determine such Offences.

1800. may have Oyer and Terminer of these Offences in Quarter Sessions, or open Sessions.

3. All

3. All Persons appointed by the Statute of 1 Edw. ^{Persons that} cap. 1. to take the Oath of Supremacy, ^{shall take the} and all other ^{Oath of Supre-} Persons taking Orders, preferred to any Degree in the Universities, all School-masters publick and private; all that take Degrees of Learning in the Laws, in the Inns of Court, or in Chancery; all Attorneys, Prothonotaries, Philizers, Escheators, &c. All Persons admitted to any Ministry or Office belonging to the Common Law, or other Law or Laws: and all Officers and Ministers of every Court shall take the said Oath before their admittance to the Exercise of any such Offices or Profession.

4. He that is thus compellable to take the said Oath, if he refuse it, incurs a *Premunire*, if his Default be presented, and he Indicted within a year after the Default.

5. Arch-Bishops and Bishops have power in their proper Diocesses to Minister this Oath, and the Lord Chancellor or Keeper (without further Warrant) may grant Commission to tender it.

6. All Persons impowred to Tender this Oath, are to certify the Refusals of those Recusants that will not Take it under their Hands and Seals into the Kings Bench, within a limited time in the Statute, on pain of 100 l. See the Statute at large, as to the time.

7. Those that refuse this Oath upon second Tender, or were formerly Convicted of maintaining the Jurisdiction of the Pope or See of Rome, and do commit the like offence the second time, both they and their Accessaries shall suffer as in case of High Treason, except in case of Corruption of Blood, Disinheritance of Heirs, Forfeiting of Dower, or prejudice to others beside the Offender, &c. but none shall be punished as Accessary, for giving Aids without fraud to the Offender.

8. This

8. This Act is to be published at every Quarter-Sessions, at every Leet, and every Term in open Hall in the Inns of Court and Chancery by the persons appointed thereto.

9. Every Member of the Commons House is to take this Oath before he sit in Parliament, before the Lord Steward, or his Deputy.

10. None of, or above the Degree of a Baron is compellable to take this Oath; but a Peer offending herein, is only Triable by his Peers.

11. No Papist is compellable to take this Oath upon second tender, or be in danger (by refusal thereof) to incur High Treason, but only Clergy-men, Officers of Ecclesiastical Courts, such as shall not observe the Rites of the Church of England, &c. or do say or hear private Mass.

12. By this Statute, All that obtain or put in ure any Bull of Absolution or Reconciliation from the Church of Rome, or Absolve, or be Absolved thereby, both they and their Accessories before the Fact, shall be adjudged Guilty of High Treason to the Queen and the Realm.

13. Their Comforters and Maintainers shall incur a *Premunire*; and their Concealers misprision of Treason, unless within six weeks they discover them to some Privy Counsellor, &c.

14. If any bring into the Queens Dominion any *Agnus Dei*, Crosses, Pictures, Beads, or any such vain and superstitious thing, or deliver or offer the same to any person to be used; the person so doing, and the person receiving the same, shall incur *Premunire*; but if the Person to whom the tender is made, apprehend the Person tending it, and bring him before a Justice of Peace; or being unable so to do, shall within three dayes disclose his Name, and Abode, or resort unto the Ordinary, or some Justice of Peace within

Members of the
Com. House,
Barons and

Peers,

Second tender
of the Oath,

Mass,

13 Eliz. cap. 1.
Bulls from
Rome,

Comforters,
Maintainers,
Concealers,

Agnus Dei,
crosses, &c.

the same County; or having received the same; do within three dayes deliver it to some Justice of Peace, he shall incur no prejudice by this Act.

4. The Justice of Peace shall disclose the Offences aforesaid to the Privy Council within fourteen dayes after notice to him, upon pain of *Præmunire*.

Justice of the
peace, Privy
Council,

1. By this Statute, it is High Treason to have, or pretend to have power, or to put in practice, to Absolve, Perswade, or withdraw any Person within the *Queens* Dominions, from their natural Obedience to the *Queen* and her Successors; or to withdraw them for the intent from the Religion now Established, to the *Romish* Religion; and they also, who shall be so withdrawn willingly, together with their Procurers and Counsellors, shall be guilty of the same Offence.

23 Eliz. cap. 1.
withdrawing
the Subj. from
their obedience.

2. Their Aiders and Maintainers, who discover them not within Ten dayes to some Justice of Peace, or higher Officer, shall be adjudged guilty of Misprision of Treason.

Aiders and
Maintainers,

3. None shall Say or Sing Mass on pain of Two hundred Marks, and suffer one years imprisonment, and not be Enlarged till the Fine be paid. And none shall hear Mass on pain of a years imprisonment, and an hundred Marks.

Saying Mass,

Hearing Mass,

4. There shall be a third part of these Forfeitures to the *Queen*, a Third part to the Poor of the Parish where the Offence is committed, and a Third part to the Prosecutor.

Forfeitures,

5. All covenous Grants to avoid the *Queens* Interest, or other persons that may claim by this Act, or

Covenous
Grants,

13 Eliz. cap. 2. shall be adjudged void.

1. By this Statute all Jesuits, Seminary Priests, or any Ecclesiastical persons born within the *Queens* Dominions, and Ordained or made such, by the pretended Jurisdiction of the See of *Rome*, which come into,

27 Eliz. cap. 2.

Or remain in any of the said Queens Dominions, shall be adjudged guilty of High Treason, and their Receivers, Aiders, and Maintainers (knowing them to be such, and at liberty) shall be adjudged Felons, without benefit of Clergy.

Persons brought
up in Semina-
ries beyond
Sea.

2. All others brought up in Seminaries beyond Sea, and not as yet in Orders as aforesaid, which do not within six moneths after Proclamation made in London (in that behalf) return into this Realm, and within two dayes after their Return, before the Bishop of the Diocess, or Two Justices of the Peace of the County where they Arrive, submit themselves to the Queen, and her Laws, and Take the Oath of Supremacy, they shall be adjudged guilty of High Treason.

Sending relief
to such Semi-
naries.

3. They who give or send Relief to any such Ecclesiastical Person or Seminary, or to any brought up there as aforesaid, shall incur a *Premunure*.

Where the Of-
fences are pu-
nishable.

4. These Offences are to be heard and determined in the Kings Bench, or in the County where they shall be committed, or the Offender Taken.

Submission.

5. This Act not to Extend to any Jesuite, or as aforesaid, who within three days after his Arrival shall submit himself to some Arch-Bishop, or Justice of Peace of the County where he Lands, and there takes the Oath of Supremacy; and under his Hand acknowledges to continue in obedience to her Majesties Laws.

The penalty of
knowing a Je-
suite or Priest
and concealing
him.

6. He that knows a Jesuit, or Priest, to remain within any the Queens Dominions, and doeth not within Twelve days discover the same to some Justice of the Peace, shall be Fined, and suffer Imprisonment during pleasure; and the Justice of Peace that doth not within Twenty eight dayes after, disclose it to some of the Privy Council, or shall Forfeit two hundred Marks.

7. All

7. All Oaths and Submissions, &c. as aforesaid, shall be certified into *Chancery*, by the party before whom they are taken, within three moneths, on pain of an hundred pounds.

Oaths, Submissions, &c. to be certified.

8. None submitting as aforesaid, shall within Ten years after come within Ten miles of the Court, on pain to loose the benefit of his Submission.

Those that submit not to come to Court within ten years, or within ten miles of it, 23 Eliz. cap. 6. Grants of Papists.

1. By this Statute the Grants and Incumbrances, or limitation to uses made by Papists not coming to Church according to the 23. *Eliz. cap. 1.* and which are revokable by the Offenders, intended for his maintenance, or in consideration whereof he and his Family are to be kept, shall be void against the Queen, &c. to hinder her for the Forfeiture of their not coming to Church, gr saying, or hearing, or being at Mass; but this Act is not to Extend to Grants made *Bona Fide*, nor to continue the seizure after the death of the Offender, &c.

2. The Queen may seize two parts of the Goods, and two Third parts of the Lands of such *Papish* Offenders as shall not after their Conviction pay into the *Exchequer* Twenty pounds a moneth.

Two parts of the Goods, and Third part of the Lands of Papists to be seized, 35 Eliz. cap. 1.

1. By this Act, all *Papish* Recufants above sixteen years old, shall within forty dayes after their Conviction repair to their usual Dwelling, and not remove above five miles from thence, on pain to Forfeit all their Goods, and Lands, and Annuities during life; and if they have no certain Aboad, they are to Repair where they were Born, or where their Fathers and Mothers dwell, and within Twenty dayes after their Arrival there, to give in their Names to the Constables, Head-Boroughs, and Minister; and the Minister is to keep a Book of their names, and he, and the said Constables, and Head-Boroughs to certify the same to the quarter Sessions, &c.

35 Eliz. cap. 1. Papists after Conviction to repair to their dwellings.

*Copy-holder
Popish.*

2. A Copy-holder in this case shall Forfeit his Estate for life (if it continue so long) to the Lord of the Mannor, (if no Recusant, Convict, or seized, possessed to the use of a Recusant,) but if so, then the Queen, &c. shall have it.

*Those that after
Conviction will
not repair to
their dwellings
&c. shall abjure
the Realm.*

3. A Popish Recusant (being no feme Covert, nor having Lands worth Twenty Marks per annum, or Goods worth forty pounds, which within the time above-limited, doth not repair to the place of his Abode, or doth depart above five miles thence, or within three moneths after his Arrival, there doth not make the submission following hereafter (being required so to do by the Bishop, a Justice of Peace, or Minister there) shall before two Justices of the Peace, or the Coroner, abjure the Kingdom, which abjuration they are to certify to the next Assizes, or Goal-delivery.

*If he depart
not, he shall be
a Felon with-
out Clergy.*

4. If the Popish Recusant depart not the Realm within the time limited by the Justices, or Coroner, or return without the Queens Licence, he shall be adjudged a Felon, without benefit of Clergy.

*Jesuite refusing
to answer.
This Act not to
extend to those
that are urged
by process of
Law, &c.*

5. A Jesuite or Priest refusing to answer, &c. and this Act is not to restrain any Recusant (urged by process of Law without fraud) to Travel without the said limits of five miles, so that he return in convenient time, nor shall it restrain him that is compelled by Law, to render his body to the Sheriff.

*The effect of
her submission.*

6. The Effect of the submission, whereby they may avoid these penalties, is, That the Recusant submitting, do acknowledge and testify in his Conscience, that the Bishop and See of Rome hath not, nor ought to have any power or Authority over her Majesty, within any of her Dominions, &c. But the Reader is referred to the Statute to see the submission at large.

7. The

7. The Minister of the Parish where the Submission is Taken, shall presently Enter it into a Book, and within Ten dayes certifie it to the Bishop of the Diocess; and if the Offenders after such submission shall fall to a Relapse, he shall have no benefit of his submission.

8. Every Married Woman shall be bound by this Act, save only in the case of Abjuration.

1. By this Statute, all the former Statutes of Queen Elizabeth are confirmed, and appointed to be put in due Execution.

2. Where the Ancestor dies a Recusant, the Heir being none, or confirming himself, and Taking the Oath of Supremacy before the Arch-Bishop, &c. he shall be Freed from all the penalties in the aforesaid Statute; but if the Heir after the Age of sixteen years shall continue to be a Recusant, he shall not be freed till Conformity, and taking the said Oath. And the King shall have Two parts of his Lands to answer the Arrearages of Twenty pound a month, according to the Statute of 23 Eliz. cap. 2.

3. None shall send any Child, or other person under their Government, beyond Sea, to be instructed in the Popish Religion, upon pain of an hundred pound, and they which are so sent, shall be incapable (as to themselves only) of any Grant or Inheritance due to them, or others to their use.

4. No Child or Woman under 21 years of age (except Saylor, Ship-boys, Merchants-Factors, or Apprentices) shall be suffered, by officers of Ports to pass beyond Sea without the Kings Licence, or Warrant of six privy Counsellors under their Hands, upon pain of the said Officers forfeiting their Offices, &c. and the Forfeitures by this Act are to be divided between the King and the Prosecutors. See the Statute of 3 Jacobi, cap. 4. Touching Soldiers and Mariners passing beyond Sea, vide infra.

Sacrament,

Forfeitures.

Presentments
to be of the
monthly ab-
sence of Papists
from Church.

Officers Wives
for presenting
Recusants.

who have pow-
er to punish Re-
cusants.

1. By this Act the Recusant that *Conforms*, must within one year after his *Conformity*, and so once every year (at least) receive the *Sacrament*, on pain to Forfeit for the first offence *twenty pounds*, for the second *forty pounds*, &c.

2. These Forfeitures to be Recovered before Justices of Peace in their Sessions, or in any Court of Record; and to be divided between the King and the Prosecutors.

3. The Church-wardens and Constables of every Parish, or one of them, or (if there be none such) then the High Constable of the Hundred shall present once every year at the General Sessions of the Peace, the monthly absence from Church of every Popish Recusant, and their Children (being above the Age of nine years) and their Servants, together with the age of their Children, as well as they can be known, on pain Respectively to Forfeit 20 s. for every Default; and this presentment to be Entred by the Clerk of the Peace, or Town-Clerk, on Record, without Fee, on pain of 40 s. for every Default.

4. If the Recusant be convicted upon such Presentment, the Officer presenting him, shall have 40 s. out of the said Recusants Estate, by order of the Justices of Peace.

5. Justices of Assize, Goal-Delivery, and of the Peace, have power of hearing and determining the Offences of such Popish Recusants, as well for their not Taking the Sacrament, as for not coming to the Church, according to this and former Laws and Statutes; and to make Proclamation that they shall Tender themselves to the Sheriff or Bayliff of the Liberty where they are, before the next Assize, Goal-Delivery, or Sessions respectively; which if they shall not do, that Default is to be Recorded, and it shall be a sufficient Conviction of them, as well as a Trial by Verdict.

6. Every such Offender, after the first Conviction for not coming to Church, shall pay into the Exchequer in the Terms of *Easter* and *Michaelmas* next hapning after their Conviction, their Forfeitures then due at the Rate of 20 *l.* per month, and yearly after that in the said Terms, at the Rate of 20 *l.* per month, unless the King shall please to take two Thirds of their Lands and Leases, or that they shall Conform.

Recusants for-
feitures after
first conviction
for not coming
to Church.

7. Every Conviction is before the End of the Term next following, to be certified into the Exchequer, and the Court is to issue process of Seizure thereupon, against the Offenders Goods, and Two parts of his Lands, Leases, &c.

Conviction to
be certified in-
to the Exche-
quer.

8. The King may Refuse the Twenty pounds a month, and take the Two parts of the Lands, as aforesaid (excepting the Recusants Mansion-house) and the King may not Demise those Two parts to a Recusant, or to any other, for the Recusants use; and the Kings Lessee of the said Two parts, is to give Security not to commit Waste.

Twenty pounds
a month, or two
thirds of Recu-
sants lands, ex-
cept the Man-
sion-house, &c.

9. The Bishop of the Diocess, or Two Justices of the Peace, (one being of the *Quorum*) may out of Sessions Tender the Oath of Allegiance mentioned in her verba, in this Act, to which the Reader is Referred, to any person, being Eighteen years of Age, [except Noble-men, and Noble-Women] which stand Convicted or Indicted of Recusancy, &c. [or passing through the Country, and Examined on Oath, confesseth] or at least denieth not, that he or she is a Recusant, and the Bishop or Justices are to certify the Premises, and the Name and aboad of the party to the next sessions, where the Clerk of the Peace, or Town-Clerk are to Record the same: and if they Refuse to Take the Oath, or to answer upon Oath, they are to bind them to the next Sessions; and if they refuse here to take

Oath of Allegi-
ance.

to

*Premunire,
Wamen Convert,*

it again, they incur a *Premunire*, (except Women Convert) who in that case are to suffer Imprisonment till they take it.

*Names to be
jabscribed.
Indisment not
to be reversed
for want of
form.*

10. If they take the Oath, they are to subscribe their Names or Marks and no Indisment against such as are Recusants shall be reversed for lack of form, but only by direct Traverse: But if they conform, they may be admitted to traverse or discharge it.

*Who shall go out
of the Realm to
serve a Forreign
Prince.
Bond,*

11. None shall go out of the Realm to serve any Forreign Prince or State, without taking the said Oath (of Allegiance) and if he have born Office as a Soldier, he shall enter into Bond to the Kings use, with condition as in this Act is at large expressed *in hac Verba*, (to which the Reader is referred) or else to be adjudged a Felon.

*Customers and
Comptrollers of
Ports to take
Bonds.*

12. The Customers or Comptrollers of Ports only, and their Deputies, may take such Bonds, and minister the said Oath in this case, which they are every year to certifie into the Exchequer, the Bond, on pain of Five pounds, and the Oath, on pain of Twenty Shillings.

*Withdrawing
Kings Subjects
from their obedi-
ence,
High Treason.*

13. To absolve or withdraw the Kings Subjects from their Natural Obedience, to reconcile them to the See of Rome, or to move them to promise it, or to be absolved, withdrawn, reconciled, or make promise, as aforesaid, is *high Treason*.

Reconciliation.

14. This Clause of Reconciliation (as to the point of reconciliation only) shall not extend to any that shall return into the Realm, within six weeks after, shall before the Bishop, or submit himself to the King, and his Laws, and take the Oaths of Supremacy and Allegiance.

*Excommuni-
cate Recusant.*

15. The Sheriff, upon a lawful Writ, may justify to break a house for taking an Excommunicate Recusant.

16. If an Action be brought against an Officer for execution of this Act, he may plead the General Issue, and give the special matter in evidence. *Allege against an Officer for doing his duty, &c.*

17. None shall be punished for his Wives offence, nor shall a married Woman be chargeable with any penalty or forfeiture by force of this Act. *wives Offence.*

18. Six of the Privy Counsel (whereof the Chancellor, Treasurer, or Principal Secretary to be one) may minister the Oath of Allegiance to any Noble Man, or Noble Woman (unmarried) of, or above eighteen years of age, and if they refuse it, they incur a *Præmunire*. *Oath of Allegiance. Not Men, and Noble Women.*

19. The Warden of the Cinque-Ports, or some by his appointment, shall take the Bond, and minister the Oath, aforesaid, to any person passing beyond Sea out of them, *i. e.* the Cinque-Ports, or any of their Members. *warden of Cinque Ports.*

By this Statute, he that within three days notice, discovers to a Justice of Peace, any that entertains a Popish Priest, or any that have heard or said Mass, shall have a third part of the forfeiture due for the said offences, if the whole exceed not an hundred and fifty, then onely Fifty Pounds thereof to be paid him by the Sheriff, who shall levy the same. *3 Jac. cap. 5. Entertaining a Popish Priest. Mass.*

2. No Convicted Recusant shall come into Court without command from the King, or Warrant from the Privy Counsel, under their hands, on pain of an Hundred Pounds, one moiety to the King, the other to the Discoverer. *Convicted Recusants not to come to Court on pain of an hundred.*

3. A Popish Recusant, Convict, or Indicted for not coming to Church for three months together, and remaining in London, or within ten miles distance, shall within ten days after such Conviction or Indictment depart thence, and shall deliver their names (if in London) to the Lord Mayor there, and (if in the Countrey) to the next Justice of the Peace, *Convicted Recusants not to be in London, or ten miles of it, unless he be a Tradesman, on pain of 100 l.*

on pain of an Hundred Pounds, to be divided between the King and the Prosecutor; but this is not to extend to Tradersmen that have no other habitation in, or within ten miles of London.

Licence must be procured by a Recusant, to go about his occasions, &c.

4. A Recusant may go about his own occasions, by Licence from the King, or three Privy Counsellors under their hands, or four Justices of Peace under their Hands and Seals, with the assent in writing of the Bishop, Lieutenant, or Deputy Lieutenant of the same County, notwithstanding the Statute of 35 Eliz. cap. 2. which Licence is not to be granted by the said Justices, till the party make Oath of the true reason of his Journey, and that he will make no needless stay.

No Convict Recusant may practice Law, Physick, &c. or bear Office in any Castle, &c.

5. No Convicted Recusant shall practice the Common Law, Civil Law, Physick, or the Art of the Apothecary; or be an Officer in any Court; or bear any Office among Soldiers, or in a Ship, Castle, or Fortress, on pain of an Hundred Pound, to be divided between the King and the Prosecutor.

Popish Recusant Convict, or whose Wife is such, may not bear Office, &c.

6. No Popish Recusant Convict, or whose Wife is a Popish Recusant Convict, shall exercise any publick Office in the Common-wealth by himself, or his Deputy, unless he bring up his Children in the true Religion; and together with his Children and Servants, repair to the Church, and receive the Sacraments, as the Law requires.

What a married woman, being a Recusant Convict, shall forfeit.

7. A married Woman, being a Popish Recusant Convict, (her Husband being none) that doth not conform her self, as aforesaid, by the space of one whole year before her Husbonds death, shall forfeit two Thirds of her Dower or Joynter, and shall be incapable of being Executrix or Administratrix to her Husband, or enjoying any part of his Goods.

A Popish Recusant Convict, shall be an Ex-

8. A Popish Recusant, after Conviction, shall be (to all intents) reputed as a person Excommunicate, untill

untill he conform and take the Oath of Obedience or Allegiance, ordained by 3 Jac. 4. Yet he may sue for his Interest, in Lands not seized into the Kings hands.

9. A Popish Recusant Convict, married other wise then in open Church, by a lawful Minister, according to the Church of England, shall not be Tenant by the Courtesie. A Woman also in this case shall lose her Dower, Joynture, Widdows Estate, and all her Husbands Goods, and where a Man cannot be Tenant by the Courtesie, he shall forfeit an Hundred Pounds, to be divided between the King and the Prosecutor.

10. Every Popish Recusant, within a Month after the Birth of his Child, shall cause it to be Baptized by a lawful Minister, on pain of an Hundred Pounds, if he out-live the Month, if not, his Wife is to pay the forfeiture; the King to have one third part, the Prosecutor another, and the Poor of the Parish the third.

11. Every Popish Recusant is to be Buried in the Church, or Church-Yard, according to the Church Laws of this Realm, on pain that his Executor, Administrator, or the party that causes him to be otherwise buried, pay Twenty Pounds to be divided as next aforesaid.

12. A Child (being no Soldier, Mariner, Merchant, or Apprentice, or Factor to a Merchant) shall not be sent, or go beyond Sea, without the Kings Licence, or Six of the Privy Council, (the Principal Secretary being one) on pain thereby to be incapable to enjoy any Lands or Goods, by Descent or Grant, until (being eighteen years of Age, or above) he take the Oath of Obedience before some Justice of Peace of the County, where his Parents do or did dwell. And in the mean time the next of Kin, being no Papist) shall enjoy his Lands and Goods, but

shall be accountable to the other in case he afterwards conform as aforesaid; and he that goes out of the Realm shall forfeit an Hundred pounds to be divided as aforesaid.

Chancellor, &c. of both Universities, shall present to the Benefice of a Recusant Convict, Papist may not be Executor, &c. 13. A Popish Recusant Convict, shall be disabled to present to a Benefice, but in his stead the Chancellor and Schollars of the Universities of Cambridge and Oxford shall present within several Counties respectively, as by this Act is at large set forth.

14. A Popish Recusant Convict, shall not be an Executor, Administrator, or Guardian.

None may bring from beyond Sea, or print, or sell Popish Books, &c. 15. None shall bring from beyond Sea, print, sell, or buy any Popish Primers, Ladies Psalters, Minuets, Rosaries, Portals, Legends, or Lives of Saints in what Language soever they shall be Printed or Written, nor any Superstitious Books written in the English Tongue, on pain to Forfeit forty shillings for every such Book, to be divided as aforesaid.

Power to search convict Papists Lodgings for Popish Books and Reliques. 16. Two Justices of Peace, and all Mayors, Bayliffs, and Head-Officers have power to search the Houses and Lodgings of Popish Recusants Convict, and of every person whose Wife is a Popish Recusant Convict, for Popish Books and Reliques, and to burn and deface such as they shall find in their custody; but such as are of value, in open Sessions, and afterwards restored to the Owner.

The Armour of Accusants convicted to be seized; and those that refuse to do v^r them to be punished, &c. 17. All the Armour, Gunpowder, and Ammunition of a Popish Recusant Convict, shall be taken from him, by Warrant from four Justices of the Peace at the General Sessions, (other then such Weapons as shall be allowed him by the said Justices for defence of his House against Thieves, &c.) which Armour, &c. shall be kept at the costs of such Recusant, in such places as the said Justices shall appoint, and shewed at every Muster, as his Arms, together with his Horse, which he shall buy, provide, and maintain for that purpose, according

according to his ability, as other Subjects do; and the Recusant that refuseth to declare what Armes, and Ammunition he hath, and deliver it to such Person as shall have power to seize it, he shall Forfeit the same to the King; and by Warrant from any Justice of the Peace of that County, be imprisoned for three months without Bayl.

1. By this Statute is set forth, who shall give, and who shall take the Oath of Allegiance, and within what time, and before whom a Baron or Baroness, of, or about eighteen years old, shall take it. *see the Statute at large.*

2. If a Baron or Baroness stand presented, indicted, or convicted of Recusancy, three of the Privy Council, (whereof the Lord Chancellor, Treasurer, Privy-Seal, or Principal Secretary to be one, shall Minister to them the said Oath, but if it be a Convicted Person under those degrees; or if the Minister, petty Constables, or Church-wardens of any Parish, or any two of them shall complain to any Justice of the Peace, or any person suspected of Recusancy, then the said Justice may in either of the said Cases minister the said Oath, and upon refusal, commit the party to Prison, there to remain until the next Assizes or Sessions, where if he or she again refuse to take it, they shall incur a *Premunire*, (except Women Covert, who shall only be imprisoned in this Case) and there remain without Bayl, until they Take the said Oath.

3. None refusing the said Oath, shall be capable of any Office of Judicature, or other Office (being no Office of Inheritance, or Ministerial Function) or to practise the Common Law, Physick, Chyrurgery, the Art of Apothecary, or any Liberal Science for Gain.

4. If a Married Woman be a convicted Recusant, and do not conform within Three Months after Con-

7 Jac. cap. 6.
Oath of Allegiance.

Barons and Baronesses indicted of Recusancy, who must tender them Oath to them, who to a common person.

2. Jac. cap. 6.

2. Jac. cap. 6.
Premunire.
refusing the Oath.

The penalty of refusing the Oath, Lawyers, &c. refusing it.

A Married Woman convicted of Recusancy, her penalty.

action, she shall be committed to prison, by a Privy-Counsellor, or the Bishop of the Diocess if she be a Barroness, but if a lower Degree, then she shall be committed by Two Justices of the Peace (whereof one of the *Quorum*) and there remain until she Conform, unless the Husband shall pay to the King for his Wives Offence Ten pounds for every month, or yeild a third part of all his Lands, at the oboice of such Husbands.

The penalty of going beyond Sea, or sending any thither to be trained in Popery, or sending relief to them.

5. None shall go himself, or send any other person whatsoever beyond Sea, to be Trained up in Popery, nor give any Maintenance or Relief to the Party so sent, or to any School or Religious House there, (on pain after Conviction thereof) to be made unable to prosecute any Suit in any Court of Equity, to be committed of any Ward, Executor, or Administrator, and to be incapable of any Legacy, or Deed of Gift, or bearing office within this Realm. And besides, to forfeit all his Goods and Chattels, and his Lands also, during life; but if he or she conform within six weeks after his or her Return, according to the Statutes of this Realm, they shall not incur the said Penalties.

3. Car. 1. cap. 2.

1. By this Statute, the Statute of 1 Jac. cap. 2. is to be put in due Execution.

The like penalty as in the next preceding Statute for sending or going beyond Sea to be trained in Popery, &c.

2. None of the Kings Subjects shall pass, or go, or shall convey or send, or cause to be conveyed or sent, any Children, or other person, out of any of the Kings Dominions, into any parts beyond the Seas, out of the Kings Obedience, to the intent to be Resident and Trained up in any Popish Society, School, or Family, or instructed in the Popish Religion in a sort to profess the same: Neither shall any convey, or cause to be conveyed any money, or other thing, towards the Maintenance of any such Children, or Person already gone or sent, or to go, or to be Sent and Trained, and Instructed as aforesaid, or (under the name of Charity towards

12
towards the relief of any such Society, or Religion,
House, or person, after Conviction, in the aforesaid Ca-
ses, to be disabled to sue, or use any Action, Bill,
Plaint, or Information in Law, or Prosecute any Suit
in Equity, &c. As in the next Precedent Statute here ab-
strated and abridged.

All Persons that shall bear any Office, Civil or Mi-
litary, or Receive any Pay, Salary, Fee or Wages, by
reason of any Patent or Grant from his Majesty, or
shall have Command or Place of Trust, from or under
his Majesty, or from any of his Predecessors, or by his
or their Authority, or by Authority derived from him
or them, or shall be of the Household, or in the Ser-
vice or Employment of his Majesty, or the Duke of
York, who shall Inhabit, Reside, or be in, or within
Thirty miles of London, or Westminster, at any time
during Easter Term, 1673. shall before the end of that
Term, or Trinity Term following, appear in the Court
of Chancery, or Kings Bench, and there in open Court,
between Nine and Twelve in the Fore-noon, Take
the Oaths of Fidelity and Allegiance; and all the
said Persons, not having Taken the said Oaths in the
said Court, shall on or before August 1. 1673. at the
Quarter Sessions for that County or Place where he
or they shall Be, Inhabit, or Reside, on Aug 20. Take
the said Oaths in like manner.

And the said Officers shall Receive the Sacrament
of the Lords Supper, according to the Usage of the
Church of England, at or before August 1. 1673. in
some Parish Church upon some Lords Day immedi-
ately after Divine Service and Sermon.

All Persons that shall be admitted into any such Of-
fice, &c. or shall Receive any Pay, &c. or have Com-
mand, or be admitted into Service or Employment in
the Households, &c. after the first day of Easter Term
aforesaid, and shall Inhabit, Be, or Reside, when so ad-

L 20 J
mitted in or within Thirty miles of London or Westminster, shall Take the said Oaths in the said Respective Courts, in the manner aforesaid, the next Term after such their Admittance. And all such Persons to be admitted after the said first day of Easter Term, not having Taken the Oaths in the Courts aforesaid, shall Take them at the Quarter Sessions for the County or Place where they shall Reside next after such admittance. And all Persons so to be Admitted as aforesaid, shall Receive the *sacrament* of the Lords Supper in the manner aforesaid, within three months after their Admittance.

And every of the Persons in the Court where he takes the Oaths, shall first deliver a Certificate of such his Receiving the said *sacrament*, as aforesaid, under the Hands of the Minister and Church-wardens, and shall then make proof of the truth thereof by two credible Witnesses at the least upon Oath. All which shall be Enquired of, and put upon Record in the Respective Courts, to take the said Oaths, and *sacrament*, upon penalty that the Offices and Employments of all Persons neglecting, or refusing, be, and are Adjudged void, and the Persons *ipso facto* adjudged incapable to have or enjoy the same, or any profit there, to appertaining. And further, if they shall Execute the Offices or Employments after the time wherein they ought to have taken them, and being thereupon lawfully convicted, shall be disabled to sue in Law or Equity, or to be a Guardian, Executor, or Administrator, or to be capable of any Legacy, or Deed of Gift, or to bear any Office, and shall Forfeit 500*l*. to be Recovered by the Prosecutor.

Persons not Bred up by their Parents in the Popish Religion, and professing themselves to be Popish Recusants, that shall Breed up, or suffer their Children to be Educated in the Popish Religion, upon conviction
on

on shall be disabled to bear any Office, or Place of Trust or Profit, and the said Children likewise disabled, till they shall be Reconciled, and Converted to the Church of England, &c.

At the same time the Persons concerned shall Take the said Oaths, they shall make and subscribe a Declaration (in the Act specified against Transubstantiation) under the same Penalties and Forfeitures.

Provides for the *Peerage*, and other priviledges and profits of *Peers*; for Pensions granted upon valuable considerations; for Estates of Inheritance granted, for Pensions granted to persons Instrumental in the Kings preservation after the Battle at *Worcester*, for Offices of Inheritance, for Infants, Feme-coverts; persons beyond Sea, and *Non compos Mentis*, for Constables, and such Inferior Officers.

This is the Sum and Substance of all the Statute-Laws against Jesuits, Priests, and Popish Recusants; which for the benefit of my Country-men, I have abstracted out of the large Volume of the Statute-Books, and here brought them to this narrow compass; but Read them at large for thy better satisfaction. Farewell.

F I N I S.